

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

CLYDE J. KIEL,

Plaintiff,

v.

CIVIL ACTION NO. 5:05-cv-00447

WARDEN MARTY ANDERSON,

Defendant.

MEMORANDUM OPINION AND ORDER

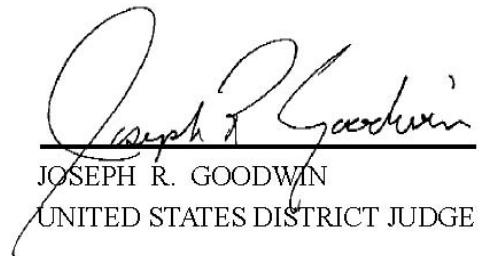
Pending before the court is the petitioner's motion for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Docket 2], the petitioner's motion for summary judgment [Docket 8], and the petitioner's application to proceed in forma pauperis [Docket 1]. This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court deny all three motions.

Neither party has filed objections to the Magistrate Judge's findings and recommendation. The court notes that objections were originally due on January 4, 2006, but granted the petitioner's motion to extend the deadline [Docket 12] to February 10, 2006. The court's Order granting the petitioner an extension in which to file objections was dated January 5, 2006 [Docket 14].

Accordingly, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge, and **DENIES** the petitioner's § 2241 motion [Docket 2], motion for summary judgment [Docket 8], and application to proceed in forma pauperis [Docket 1]..

The court **DIRECTS** the Clerk to send a copy of this Order to the Magistrate Judge, counsel of record, and any unrepresented party.

ENTER: February 15, 2006



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE